

Message Text

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PAGE 01 BONN 08900 031741Z

47

ACTION EB-07

INFO OCT-01 EUR-12 EA-06 IO-10 ISO-00 L-03 AID-05 CEA-01

CIAE-00 COME-00 FRB-03 INR-07 NEA-10 NSAE-00 OPIC-03

SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01 DODE-00

DOT-00 FMC-01 CG-00 OFA-01 DLOS-03 SS-15 NSC-05 /102 W

----- 034408

R 031723Z JUN 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 0501

INFO AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY MADRID

AMEMBASSY PARIS

AMEMBASSY TOKYO

AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY BERN

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY REYKJAVIK

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY VIENNA

AMEMBASSY WELLINGTON

USMISSION EC BRUSSELS

USMISSION OECD PARIS

USMISSION USUN NEW YORK

USMISSION GENEVA

AMCONSUL HAMBURG

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PAGE 02 BONN 08900 031741Z

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E.O. 11652: N/A

TAGS: EWWT, EFIN, OECD

SUBJECT: REPRESENTATIONS ON UN CODE OF CONDUCT FOR LINER
CONFERENCES

REF: A. STATE 121253 B. OECD PARIS 13833

1. ON MAY 30 EMBASSY DELIVERED DIPLOMATIC NOTE ON UN LINER CODE AS INSTRUCTED REFTEL A. EMBOFF SUBSEQUENTLY DISCUSSED MATTER INFORMALLY WITH VON RUMOHR, FONOFF OFFICIAL IN CHARGE OF MARITIME MATTERS. VON RUMOHR SAID THAT WITH THE SIGNING DEADLINE ONLY A MONTH AWAY IT SEEMED TO HIM A LITTLE LATE IN THE GAME FOR THE US TO ASK THE FRG TO RECONSIDER ITS POSITION. HE ACKNOWLEDGED, HOWEVER, THAT THE US HAD MADE ITS VIEWS KNOWN AT THE TIME OF ITS NEGATIVE VOTE ON THE CONVENTION, IN SUBSEQUENT CONVERSATIONS WITH FOREIGN OFFICIALS, AND AT THE OECD. HE DID THINK THAT THE OECD HAD WAITED TOO LONG IN COMING TO GRIPS WITH THE QUESTION OF COMPATIBILITY WITH THE OECD INVISIBLES CODE, AND, IN THE CASE OF THE EC COMMISSION, WITH POSSIBLE INCOMPATIBILITY WITH THE ROME TREATY. HE SAW LITTLE MERIT IN THE POSITION BEING TAKEN BY THE EC COMMISSION, BUT ADMITTED THAT THERE MIGHT BE SOME LEGAL CASE TO BE MADE FOR INCOMPATIBILITY WITH THE OECD INVISIBLES CODE. HE THOUGHT THAT THE US WAS WISE IN BASING ITS REQUEST FOR GERMAN RECONSIDERATION ON THE OECD COMPATIBILITY QUESTION.

2. CONCERNING THE BRITISH PROPOSAL FOR A LEGAL STUDY WITHIN THE OECD, VON RUMOHR SAID THAT SUCH A STUDY WOULD TAKE MONTHS, AND IN THE MEANTIME THE OPPORTUNITY FOR SIGNING WOULD HAVE PASSED. GIVEN THE FEDERAL REPUBLIC'S FAVORABLE VOTE ON THE CONVENTION ITSELF, HE ADDED, IT WOULD BE EXTREMELY DIFFICULT FOR HIS GOVERNMENT TO EXPLAIN TO THE LDC'S WHY IT HAD FAILED TO SIGN. RATIFICATION WAS ANOTHER MATTER, AND IN SIGNING
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PAGE 03 BONN 08900 031741Z

THE FRG WOULD OF COURSE MAKE ITS SIGNATURE SUBJECT TO RATIFICATION. IF IT WERE TO BE SUBSEQUENTLY FOUND BY THE OECD THAT THE CONVENTION WAS CONTRARY TO THE CODE OF LIBERALIZATION THE FRG MIGHT THEN EXPLAIN TO THE LDC'S THAT IT WAS NOT IN A POSITION TO RATIFY BECAUSE OF THIS FINDING. HE EMPHASIZED, HOWEVER, THAT ON THE BASIS OF A PRELIMINARY STUDY THE FRG SAW NO INCOMPATIBILITY BETWEEN THE CONVENTION AND THE LIBERALIZATION

CODE. IT WAS HIS PERSONAL VIEW THAT THE CONVENTION
COULD HAVE THE EFFECT OF RESTRAINING INDEPENDENT LDC
ACTIONS WHICH WOULD BE EVEN MORE RESTRICTIVE TO
TRADE THAN THE PROVISIONS OF THE CONVENTION TO WHICH
WE OBJECTED. EMBOFF WAS LEFT WITH THE IMPRESSION
THAT THE FRG STILL INTENDS TO SIGN, WITH SUBSEQUENT
RATIFICATION DEPENDING ON THE OUTCOME OF OECD AND
EC ACTIONS.

3. ECONOMIC/COMMERCIAL MINISTER WILL BE SEEING
FONOFF ASSISTANT SECRETARY HERMES AND ECONOMIC ADVISOR
TO THE CHANCELLOR HISS LATER THIS WEEK AND WILL TAKE
THE OPPORTUNITY TO EXPRESS US CONCERN.
CASH

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Margaret P. Grafeld
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06 JUL 2006

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